

FIRST REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 15

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CRAWFORD, REINHART, NAEGER, SECREST (Co-sponsors),
PHILLIPS, HENDRICKSON, LEVIN, COOPER, FROELKER, BEARDEN, HUNTER, LONG, MYERS,
BARTELSMEYER, CIERPIOT, DEMPSEY AND HANAWAY.

Read 1st time February 12, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1029L.011

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 29, 30(a), 30(b), 30(c), 31, and 32 of article IV of the Constitution of Missouri, relating to highways and transportation and adopting six new sections in lieu thereof relating to the same subject.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2002, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article IV of the Constitution of the state of Missouri:

Section A. Sections 29, 30(a), 30(b), 30(c), 31 and 32, article IV, Constitution of Missouri, are repealed and six new sections adopted in lieu thereof, to be known as sections 29, 30(a), 30(b), 30(c), 31 and 32, to read as follows:

Section 29. The department of highways and transportation shall be in charge of a [highways and transportation commission] **secretary of highways and transportation appointed by the governor, by and with the advice and consent of the senate, and a bipartisan advisory council appointed by the governor. The bipartisan advisory council shall consist of ten members, one from each congressional district, and one at large.** The

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

6 [number,] qualifications, compensation and terms of the members of the [highways and
7 transportation commission] **bipartisan advisory council** shall be fixed by law, and not more
8 than one-half of its members shall be of the same political party. The selection and removal of
9 all [employees] **members of the bipartisan advisory council and the secretary** shall be
10 without regard to political affiliation. The [highways and transportation commission] **secretary**
11 shall have authority over all state transportation programs and facilities as provided by law,
12 including, but not limited to, bridges, highways, aviation, railroads, mass transportation, ports,
13 and waterborne commerce, and shall have authority to limit access to, from and across state
14 highways where the public interest and safety may require. [The present members of the highway
15 commission shall serve as members of the highways and transportation commission for the
16 remainder of the terms for which they were appointed.] All references to the [highway
17 commission] **secretary** and the department of highways in this constitution and in the statutes
18 shall mean the [highways and transportation commission] **secretary** and the department of
19 highways and transportation. **All references to the highway commission in the statutes shall**
20 **mean the secretary.**

Section 30(a). 1. On and after the first day of the month next following the adoption of
2 this section, a tax upon or measured by fuel used for propelling highway motor vehicles shall be
3 levied and collected as provided by law. Any amount of the tax collected with respect to fuel
4 not used for propelling highway motor vehicles shall be refunded by the state in the manner
5 provided by law. The remaining net proceeds of the tax, after deducting costs of collection,
6 apportionment and making refunds shall be apportioned between the counties, cities and the state
7 as hereinafter provided and shall stand appropriated without legislative action for the following
8 purposes:

9 (1) Ten percent of the remaining net proceeds shall be deposited in a special trust fund
10 known as the "County Aid Road Trust Fund". In addition, beginning July 1, 1994, an additional
11 five percent of the remaining net proceeds which is derived from the difference between the
12 amount received from a tax rate equal to the tax rate in effect on March 31, 1992, and the tax rate
13 in effect on and after July 1, 1994, shall also be deposited in the county aid road trust fund, and
14 of such monies generated by the additional five percent, five percent shall be credited solely to
15 cities not within any county in this state. After such credit to cities not within any county, the
16 proceeds in the county aid road trust fund shall be credited to the various counties of the state
17 on the following basis: One-half on the ratio that the county road mileage of each county bears
18 to the county road mileage of the entire state as determined by the last available report of the
19 state highways and transportation commission, **if prior to the appointment and first report of**
20 **the first secretary, or the last available report of the secretary,** and one-half on the ratio that
21 the rural land valuation of each county bears to the rural land valuation of the entire state as

22 determined by the last available report of the state tax commission, except that county road
23 mileage in incorporated villages, towns or cities and the land valuation in incorporated villages,
24 towns or cities shall be excluded in such determination, except that, if the assessed valuation of
25 rural lands in any county is less than five million dollars, the county shall be treated as having
26 an assessed valuation of five million dollars. The funds credited to each county shall be used by
27 the county solely for the construction, reconstruction, maintenance and repairs of roads, bridges
28 and highways, and subject to such other provisions and restrictions as provided by law. The
29 monies generated by the additional five percent of the remaining net proceeds which is derived
30 from the difference between the amount received from a tax rate equal to the tax rate in effect
31 on March 31, 1992, and the tax rate in effect on and after July 1, 1994, shall not be used for
32 equipment, machinery, salaries, fringe benefits or capital improvements, other than roads and
33 bridges. In the absence of other controls provided by law, the [state highways and transportation
34 commission] **secretary** shall prescribe policy, rules and requirement for the expenditure of these
35 funds by counties, including, among other things, [highways and transportation commission] **the**
36 **secretary's** approval of plans for projects on which the funds are to be used. In counties having
37 the township form of county organization, the funds credited to such counties shall be expended
38 solely under the control and supervision of the county court, and shall not be expended by the
39 various townships located within such counties. "Rural land" as used in this section shall mean
40 all land located within any county, except land in incorporated villages, towns, or cities.

41 (2) Fifteen percent of the remaining net proceeds shall be allocated to the various
42 incorporated cities, towns and villages within the state solely for construction, reconstruction,
43 maintenance, repair, policing, signing, lighting and cleaning roads and streets and for the
44 payment of principal and interest on indebtedness incurred prior to January 1, 1980, on account
45 of road and street purposes, and the use thereof being subject to such other provisions and
46 restrictions as provided by law. The amount apportionable to each city, town or village shall be
47 based on the ratio that the population of the city, town or village bears to the population of all
48 incorporated cities, towns or villages in the state having a like population, as shown by the last
49 federal decennial census, provided that any city, town or village which had a motor fuel tax prior
50 to the adoption of this section shall annually receive not less than an amount equal to the net
51 revenue derived therefrom in the year 1960; and

52 (3) All the remaining net proceeds in excess of the allocations to counties, and to cities,
53 towns and villages under this section shall be allocated to the state and shall be disbursed as
54 provided in section 30(a) and (b) of Article IV of this Constitution.

55 2. The director of revenue of the state shall make the division and apportionment of the
56 funds monthly in the manner required hereby.

57 3. Except for taxes or licenses which may be imposed uniformly on all merchants or

58 manufacturers based upon sales, or which uniformly apply ad valorem to the stocks of merchants
59 or manufacturers, no political subdivision in this state shall collect any tax, excise, license or fee
60 upon, measured by or with respect to the importation, receipt, manufacture, storage,
61 transportation, sale or use, on or after the first day of the month next following the adoption of
62 this section of fuel used for propelling motor vehicles, unless the tax, excise, license or fee is
63 approved by a vote of the people of any city, town or village subsequent to the adoption of this
64 section, by a two-thirds majority. All funds collected shall be used solely for construction,
65 reconstruction, maintenance, repair, policing, signing, lighting, and cleaning roads and streets
66 and for the payment of principal and interest on indebtedness incurred prior to January 1, 1980,
67 on account of road and street purposes.

68 4. Beginning on July 1, 1993, the net proceeds of fuel taxes allocated under this section
69 to counties and to cities, towns and villages shall not be included within the definition of "total
70 state revenues" in section 17 of article X of this constitution.

Section 30(b). 1. For the purpose of constructing and maintaining an adequate system
2 of connected state highways all state revenue derived from highway users as an incident to their
3 use or right to use the highways of the state, including all state license fees and taxes upon motor
4 vehicles, trailers and motor vehicle fuels, and upon, with respect to, or on the privilege of the
5 manufacture, receipt, storage, distribution, sale or use thereof (excepting the sales tax on motor
6 vehicles and trailers, except as hereinafter provided, and all property taxes), less the cost (1) of
7 collection thereof, (2) of maintaining the highway related activities of the [highways and
8 transportation commission] **secretary** and department including any workers' compensation and
9 retirement programs, (3) and of administering and enforcing any state motor vehicle laws or
10 traffic regulations, and less refunds and that portion of the fuel tax revenue to be allocated to
11 counties and to cities, towns and villages [under] **pursuant to** section 30(a) of Article IV of this
12 Constitution, shall be credited to the state road fund and stand appropriated without legislative
13 action for the following purposes, and no other:

14 First, to the payment of the principal and interest on any outstanding state road bonds.

15 Second, any balance in excess of the amount necessary to meet the payment of the
16 principal and interest of any state road bonds for the next succeeding twelve months shall be
17 credited to the state road fund and shall be expended under the supervision and direction of the
18 [commission] **secretary** for the following purposes:

19 (1) To complete and widen or otherwise improve and maintain the state system of
20 highways heretofore designated and laid out under existing laws;

21 (2) To reimburse the various counties and other political subdivisions of the state, except
22 incorporated cities and towns, for money expended by them in the construction or acquisition
23 of roads and bridges now or hereafter taken over by the state as permanent parts of the system

24 of state highways, to the extent of the value to the state of such roads and bridges at the time
25 taken over, not exceeding in any case the amount expended by such counties and subdivisions
26 in the construction or acquisition of such roads and bridges, except that the [highways and
27 transportation commission] **secretary** may, in [its] **the secretary's** discretion, repay, or agree to
28 repay, any cash advanced by a county or subdivision to expedite state road construction or
29 improvement;

30 (3) In the discretion of the [commission] **secretary** to locate, relocate, establish, acquire,
31 construct and maintain the following:

32 (a) supplementary state highways and bridges in each county of the state as hereinafter
33 provided;

34 (b) state highways and bridges in, to and through state parks, public areas and
35 reservations, and state institutions now or hereafter established, and connect the same with the
36 state highways; and also national, state or local parkways, travelways, tourways, with
37 coordinated facilities;

38 (c) any tunnel or interstate bridge or part thereof, where necessary to connect the state
39 highways of this state with those of other states;

40 (d) any highway within the state when necessary to comply with any federal law or
41 requirement which is or shall become a condition to the receipt of federal funds;

42 (e) any highway in any city or town which is found necessary as a continuation of any
43 state or federal highway, or any connection therewith, into and through such city or town; and

44 (f) additional state highways, bridges and tunnels, outside the corporate limits of cities
45 having a population in excess of one hundred fifty thousand, either in congested traffic areas of
46 the state or where needed to facilitate and expedite the movement of through traffic.

47 (4) To acquire materials, equipment and buildings necessary for the purposes herein
48 described; and

49 (5) For such other purposes and contingencies relating and appertaining to the
50 construction and maintenance of such highways and bridges as the [highways and transportation
51 commission] **secretary** may deem necessary and proper.

52 2. One-half of the proceeds from the state sales tax on all motor vehicles, trailers,
53 motorcycles, mopeds and motortricycles shall be dedicated for highway and transportation use
54 and shall be distributed as follows: ten percent to the counties, fifteen percent to the cities, one
55 percent to the state transportation fund, which is hereby created to be used in a manner provided
56 by law and seventy-four percent to the state road fund. The amounts distributed shall be
57 allocated as provided in section 30(a) of this article, to be used for highway and transportation
58 purposes.

59 3. Notwithstanding the provisions of subsection 1 of this section, any increase in state

60 license fees and taxes on motor vehicles, trailers, motorcycles, mopeds and motortricycles over
61 and above those in effect upon adoption of this section shall be distributed as follows: ten
62 percent to the counties, fifteen percent to the cities and seventy-five to the state road fund. The
63 amounts distributed shall be allocated as provided in section 30(a) of this article, to be used for
64 highway and transportation purposes.

Section 30(c). The [highways and transportation commission] **secretary** shall have
2 authority to locate, relocate, establish, acquire, construct, maintain, control, and as provided by
3 law to operate, develop or fund public facilities as part of any state transportation program such
4 as but not limited to aviation, mass transportation, railroads, ports, and waterborne commerce,
5 provided that funds other than those designated for highway purposes in this constitution are
6 made available for such purposes.

Section 31. Any state highway authorized herein to be located in any municipality may
2 be constructed without limitations concerning the distance between houses or other buildings
3 abutting such highway or concerning the width or type of construction. The [commission]
4 **secretary** may enter into contracts with cities, counties or other political subdivisions for and
5 concerning the maintenance of, and regulation of traffic on any state highway within such cities,
6 counties or subdivision.

Section 32. The funds which are allotted by the [commission] **secretary** to the
2 construction or acquisition of supplementary state highways and bridges in each of the counties
3 of the state shall be apportioned to the several counties as follows: One-fourth in the ratio that
4 the area of each county bears to the area of the state, one-fourth in the ratio of the population, and
5 two-fourths on such basis as the [commission] **secretary** may deem to be for the best interest of
6 highway users; provided the areas and population of cities having a population of 150,000 or
7 more shall not be considered in making such apportionment, and the latest available United
8 States decennial census shall be used; provided further, that if traffic on any supplementary state
9 highway becomes such that a higher type than ordinary supplementary highway construction
10 shall be required, then the [commission] **secretary** may construct such higher type and charge
11 such extra cost to unallotted state highway funds. Supplementary state highways shall be
12 selected by mutual agreement of the [commission] **secretary** and the local officials having
13 charge of or jurisdiction over roads in the territory through which such supplementary state
14 highways are to be constructed.